

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Andreas BERGMANN

Group Art Unit 1641

Serial No.: 10/551,298

Examiner: Christine E. Foster

Filed: September 23, 2005

Confirmation No.: 3226

For: DETERMINATION OF A MIDREGIONAL PROADRENOMEDULLIN
PARTIAL PEPTIDE IN BIOLOGICAL FLUIDS FOR DIAGNOSTIC
PURPOSES, AND IMMUNOASSAYS FOR CARRYING OUT SUCH
A DETERMINATION

RESTRICTION RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office of January 25, 2010, applicants hereby elect item b. as defined on page 3 of the Office Action, i.e., "prognosis of disease." All claims except for claim 16 read on the elected species. This election is made with traverse because the examiner has made no effort whatsoever to establish that an undue searching burden would be required in expanding the search to encompass, in addition to a prognosis purpose, diagnosis and therapy-accompanying monitoring purposes. It is believed self-evident that search areas relevant for one of these purposes would be reasonably relevant for others and thus a search scope for one is not affected by inclusion of the other two.

New claims 33-70 all read on the elected species of cardiac disease. See paragraph 2 of the Office Action.